

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GD CONCRETE CONSTRUCTION, INC., a
Nebraska corporation;

Plaintiff,

vs.

THE WHITING-TURNER CONTRACTING
COMPANY, a Maryland corporation; and
FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, an Illinois corporation;

Defendants.

8:24CV287

ORDER TO SHOW CAUSE

This matter comes before the Court after a review of the docket and pursuant to NECivR. 41.2, which states in relevant part: “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff filed an amended complaint adding Fidelity and Deposit Company of Maryland (“Fidelity”) as a defendant on September 10, 2024. [Filing No. 9](#). Plaintiff filed a return of service indicating Plaintiff served Fidelity the amended complaint on October 18, 2024. [Filing No. 18](#). Fidelity has not timely filed an answer or other responsive pleading. Plaintiff has a duty to prosecute the case and may, for example, seek default judgment in accordance with the applicable rules or take other action as appropriate.

Accordingly,

IT IS ORDERED that Plaintiff shall have until January 13, 2025 to show cause why Plaintiff’s claims against Fidelity should not be dismissed pursuant to NECivR. 41.2 for

want of prosecution. The failure to timely comply with this order may result in dismissal of Plaintiff's claims against Fidelity without further notice.

Dated this 16th day of December, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge